

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MICHELLE BOWLING, SHANNON
BOWLING and LINDA BRUNER,

Plaintiffs,

vs.

Case No. 1:14-cv-0405-RLY-TAB

MICHAEL PENCE, in his official capacity as
Governor of the State of Indiana, GREGORY
ZOELLER, in his official capacity as Attorney
General for the State of Indiana,
MICHAEL ALLEY, in his capacity as
Commissioner of the Indiana Department of
Revenue; and ANITA SAMUEL, in her capacity
as Executive Director of the Indiana Department
of State Personnel,

Defendants.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Comes now Plaintiffs, Michelle Bowling, Shannon Bowling, and Linda Bruner, by counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rules 7.1 and 56.1, respectfully requests that this Court enter summary judgment in favor of Plaintiffs. There are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of law. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs seek summary judgment in their favor on all claims asserted in Plaintiffs' Complaint against all Defendants.

2. Plaintiffs' summary judgment motion is based on Defendants' violation of Plaintiffs' constitutional rights, as guaranteed by the United States Constitution. Defendants' enforcement of Indiana Code § 31-11-1-1 violates the rights guaranteed to Plaintiffs under the Due Process Clause of the Fourteenth Amendment of the United States Constitution, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, the Establishment Clause of the First Amendment of the United States Constitution, and the Full Faith and Credit Clause of the United States Constitution.

3. In support of this Motion, the Plaintiffs have set forth more fully in the accompanying Brief in Support of Motion for Summary Judgment and Appendix and Designation of Evidence, the reasons Plaintiffs are entitled to summary judgment.

WHEREFORE, Plaintiffs, Michelle Bowling, Shannon Bowling, and Linda Bruner, by counsel request the Court grant their Motion for Summary Judgment and grant the following relief:

- a. Declare Indiana's DOMA, and any other state law, regulation or policy that excludes recognition of the marriages of Plaintiffs and other similarly situated same-sex couples who were lawfully married under the law of another jurisdiction, violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution and may not be enforced against same-sex couples married in another jurisdiction. Permanently enjoin the enforcement of Indiana's DOMA and all other provisions of Indiana law, regulation or policy that may deny Plaintiffs equal access to the benefits of marriage in the State of Indiana, including the right of same-sex couples to marry in or have their out-of-state marriages recognized by the State of Indiana.

- b. Award Plaintiffs' damages, including costs, expenses and reasonable attorneys' fees according to 42 U.S.C. §1988 and any other applicable laws;
- c. Grant any and all other such relief the Court deems necessary and proper.

Respectfully submitted,

/s/ Richard A. Mann

Richard A. Mann, Atty. No. 9864-49

/s/ Lisa M. Joachim

Lisa M. Joachim, Atty. No. 25322-45

/s/ Todd D. Small

Todd D. Small, Atty. No. 28783-49

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2014, a copy of the foregoing Plaintiffs' Motion for Summary Judgment was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

I further certify that on April 21, 2014, a copy of the foregoing Plaintiffs' Motion for Summary Judgment was mailed, by first-class U.S. Mail, postage prepaid and properly addressed to the following:

None.

/s/ Todd D. Small

Richard A. Mann

Attorney at Law